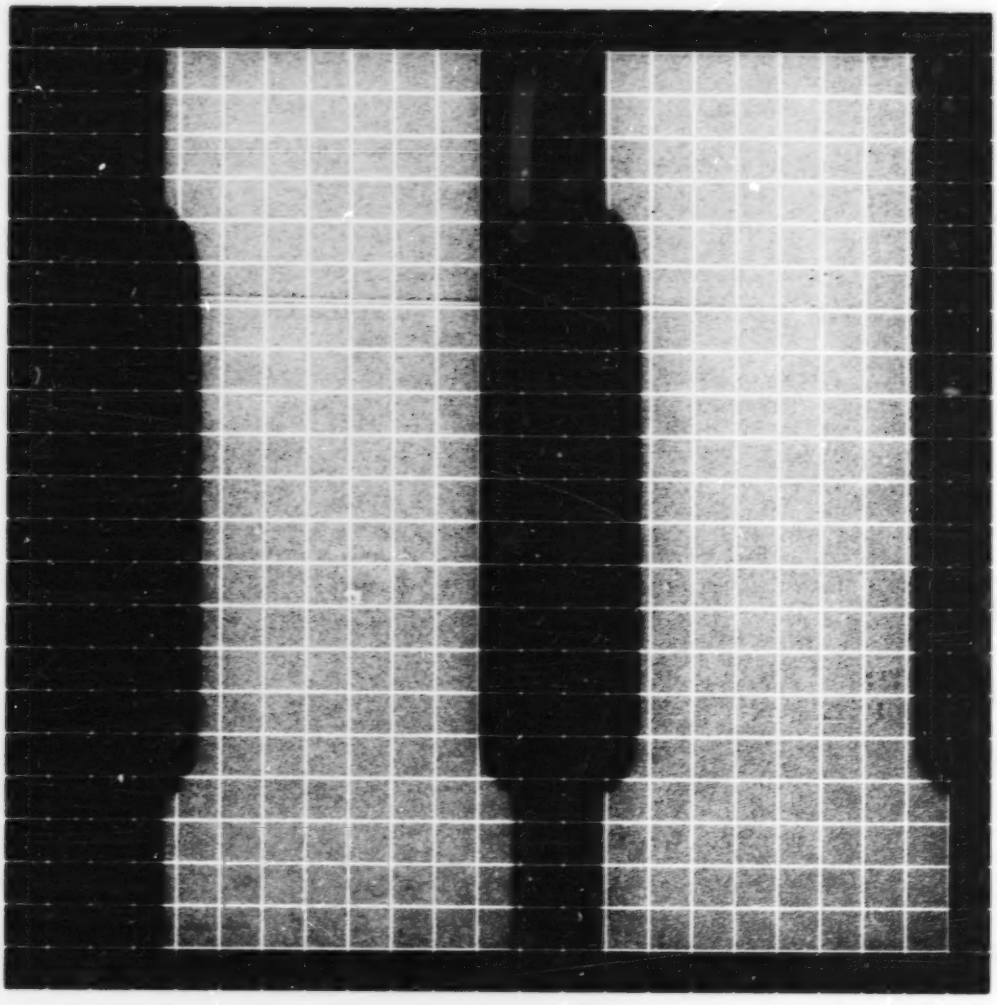
Blueprint for Waste Management in Ontario

Appendix II

Proposed Regulation Under the Environmental Assessment Act Regarding Private Waste Disposal Sites



Ontario

Ministry of the Environment

Hon. Keith C. Norton, Q.C., Minister

Gérard J. M. Raymond Deputy Minister

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This is one of 11 appendices to the Blueprint for Waste Management. A complete list is presented on the inside of the back cover.

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APPENDIX 11
PROPOSED REGULATION UNDER THE ENVIRONMENTAL ASSESSMENT ACT REGARDING PRIVATE WASTE DISPOSAL SITES

This Appendix presents a draft of the type of regulation that would be required in order to apply the Environmental Assessment Act to the major waste management activities of the private sector. It must be emphasized that this Appendix represents only a preliminary attempt at presenting, in legal terminology, the concepts associated with extending the application of the Act that are presented in Section 7 of the Blueprint. This draft regulation does not represent government policy, but is intended to encourage discussion and elicit public comment.

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APPENDIX 11

PROPOSED REGULATION UNDER THE ENVIRONMENTAL ASSESSMENT ACT REGARDING PRIVATE WASTE DISPOSAL SITES

INTRODUCTION

This Appendix presents a proposed regulation under the Environmental Assessment Act which would be pursued if, as a result of the Blueprint process, it is decided to place certain private waste disposal facilities under the Act.

As noted in the Blueprint, the private facilities suggested are those dealing with special wastes, or which have a planned capacity of greater than 100,000 tonnes or an estimated cost greater than $2,000,000 (1977 dollars).

1. (1) In this Regulation,

(a) "estimated cost" means the current estimate of the cost of an undertaking calculated in accordance with subsection (4) and meeting the requirements set out in subsection (5);

(b) "$2,000,000" means the greater of $2,000,000 and $2,000,000 divided by the Non-residential Construction Input Index issued for Ontario by Statistics Canada for the month of December, 1977 multiplied by the Non-residential Construction Input Index issued for Ontario by Statistics Canada for the month in which the first contract for the construction of the undertaking is entered into, or, where no such contract is entered into, the month in which the commencement date for the undertaking falls;

(2) Words used in this Regulation have the meanings assigned to them in Part V or section 1 of the Environmental Protection Act or a Regulation made under Part V of the Environmental Protection Act;

(3) This Regulation applies to a waste disposal site which is,

(i) a site for the disposal of special waste,

(ii) a site for the disposal of controlled waste or municipal waste, which site has a planned capacity greater than 100,000 tonnes, or

(iii) any other waste disposal site that has an estimated cost over $2,000,000,

but does not apply to,

(iv) a waste disposal site located within an industry's property for the disposal of only that municipal waste which is generated on the property,

(v) a site certified under section 31 of the Environmental Protection Act,

(vi) a site utilized by a mobile waste management system, or

(vii) a waste disposal site that is exempt from section 27 of the Environmental Protection Act pursuant to Ontario Regulation 11/82.

(4) In calculating estimated cost, the cost of,

(a) acquisition of land,

(b) feasibility studies and design carried out for the undertaking, and

(c) operating the undertaking,

shall not be included, but, where an undertaking is being constructed in phases, the cost of all phases shall be included.

(5) To qualify as an estimated cost, the estimate must have been prepared by an engineer, architect or construction contractor and,

(a) must have been submitted to the Director under Part V of the Environmental Protection Act in connection with an application for approval under Part V, or

(b) be set out in an environmental assessment prepared with respect to the undertaking.

2. An enterprise or activity consisting of the establishment, use, operation, construction, alteration, extension or retirement of a waste disposal site is defined as a major commercial or business enterprise or activity and is designated as an undertaking to which the Act applies.

3. The activity of acquiring land for the purpose of a waste disposal site by a person who is not an expropriating authority under the Expropriations Act and who is not a government-related agency within the meaning of the Ministry of Government Services Act, is exempt from the provision of subsection 5(1) of the Act prohibiting proceeding with the undertaking.

4. This regulation does not apply to the use, operation or retirement of a waste disposal site where the waste disposal site was established before _____ or to the establishment, use, operation, construction, alteration, extension or retirement of a waste disposal site pursuant to a certificate of approval or a provisional certificate of approval that was issued pursuant to an application therefor that was received by the Director under Part V of the Environmental Protection Act before _____.

Schedule of Appendices

1. Waste Management Consultation Session Report
2. Waste Reduction, Reuse, Recycling and Recovery Report
3. Perpetual Care Program Report
4. Interim Guideline for the Interpretation of the Hazardous Waste Definition (Regulation 309)
5. Legislative Implications of the Blueprint for Waste Management
6. Proposed Revisions to Regulation 309
7. Proposed Revisions to Regulation 313
8. Proposed Generator Regulation
9. Terms of Reference for a Waste Management Master Plan
10. Solid Waste Management Cost Accounting Summary Report
11. Proposed Regulation Under the Environmental Assessment Act Regarding Private Waste Disposal Sites